

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Sebastian DeFrancesco,

NO. C 04-04834 JW
NO. C 05-01400 JW

Sheryl Mifsud and Paul Mifsud,
Plaintiff(s),

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

v.

Chateau Masson, LLC., et al.,
Defendant(s).

Chateau Masson, LLC., et al.,

Third Party Plaintiff

v.

Bill Graham Presents, Inc., et al.

Third Party Defendants

On August 22, 2005, the Court conducted a case management conference. Paul Rein, appeared on behalf of the Plaintiffs; Bernard Greenfield appeared on behalf of Chateau Masson; and Valerie Sharpe appeared on behalf of Bill Graham, the third party defendant.

At the conference, the parties informed the Court that Plaintiffs DeFrancesco and Mifsud have reached a settlement with Defendant Chateau Masson. In light of the settlement, the Court vacates all trial and pretrial dates. On or before **September 16, 2005**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

1 If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th
2 Floor, United States District Court, 280 South First Street, San Jose, Ca. on **September 26, 2005**, at
3 9:00 a.m. and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P.
4 41(b). On or before **September 16, 2005**, the parties shall file a joint statement in response to the Order
5 to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the
6 settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary
7 dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

8 As to the indemnity action between Chateau Masson and Bill Graham Enterprises, counsels
9 informed the Court that the parties have agreed to meet out of counsel's presence in an effort to resolve
10 their issues. Thus, the Court sets **October 31, 2005** at 10 a.m. as a date for further case management in
11 this matter. Should the parties reach an agreement prior to this date, the parties shall promptly notify the
12 Court.

13 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this
14 action.

15
16 Dated: August 23, 2005

/s/ James Ware
JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Bernard S. Greenfield bgreenfield@mgghsj.com

Brian J. Hannon bhannon@mgghsj.com

3 Clifford E. Yin EfilingCEY@cpdb.com

Julie McLean juliemclean@reinlawoffice.com

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5 Susan K. Jamison EfilingSKJ@cpdb.com

Valerie L. Sharpe vsharpe@littler.com

6 **Dated: August 23, 2005**

Richard W. Wieking, Clerk

7
8 By: /s/ JW Chambers
9 **Ronald L. Davis**
10 **Courtroom Deputy**